

Changes to legislation: Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 8A **S**

[^{F2}OFFENCES WHICH MUST BE DISCLOSED UNLESS A SHERIFF ORDERS OTHERWISE]

Textual Amendments

- F1** Schs. 8A, 8B inserted (S.) (8.2.2016) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423), arts. 1(2), **3(8)** (with arts. 5-10, 12)
- F2** Sch. 8A title substituted (17.2.2018) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018 (S.S.I. 2018/52), arts. 1(2), **3(4)**

Common law offences

1. Abduction.
2. Abortion.
3. Assault to the danger of life.
4. Assault to severe injury.
5. Assault with intent to rape or ravish.
6. Assault with intent to commit the statutory offence of rape.
7. Bestiality.
8. Cruel and unnatural treatment of persons.
9. Culpable homicide.
- [^{F3}9A. Defeating the ends of justice.]

Textual Amendments

- F3** Sch. 8A para. 9A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(2)**

10. Drugging.
- [^{F4}10A. Embezzlement.]

Textual Amendments

- F4** Sch. 8A para. 10A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(3)**

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- 11. Extortion.
- 12. Hamesucken.
- [^{F5}12A. Housebreaking with intent to steal.]

Textual Amendments
F5 Sch. 8A para. 12A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, 2(4)

- ^{F6}13.

Textual Amendments
F6 Sch. 8A para. 13 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, 2(6)

- [^{F7}13A. Perverting the course of justice (by whatever means and however the offence is described), including in particular—
 - (a) false accusation of a crime,
 - (b) perjury,
 - (c) prevarication on oath,
 - (d) prison breaking,
 - (e) subornation of perjury.]

Textual Amendments
F7 Sch. 8A para. 13A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, 2(5)

- ^{F8}14.

Textual Amendments
F8 Sch. 8A para. 14 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, 2(6)

- 15. Plagium.
- 16. Reset of plagium.
- [^{F9}16A. Robbery.]

Textual Amendments
F9 Sch. 8A paras. 16A, 16B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, 2(7)

- 16B. Wilful fire-raising.]

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Textual Amendments

F9 Sch. 8A paras. 16A, 16B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(7)**

^{F10}17.

Textual Amendments

F10 Sch. 8A para. 17 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(8)**

^{F11}18.

Textual Amendments

F11 Sch. 8A para. 18 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(8)**

Statutory offences

Armed forces

19. An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) where the corresponding offence under the law of England and Wales is, or corresponds to, an offence listed in this schedule.

Aviation [^{F12}, spaceflight] and maritime

^{F13}20.

Textual Amendments

F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

^{F13}21.

Textual Amendments

F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

^{F13}21A

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Textual Amendments

F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

^{F13}22.

Textual Amendments

F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

^{F13}23.

Textual Amendments

F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

Textual Amendments

F12 Word in Sch. 8A para. 20 heading inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), **Sch. 12 para. 18(2)**; S.I. 2021/817, reg. 2, **Sch. para. 117** (with reg. 3)
F13 Sch. 8A paras. 20-23 repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(10)**

Bribery

[^{F14}23A. An offence under the Bribery Act 2010.]

Textual Amendments

F14 Sch. 8A para. 23A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(9)**

Children

24. An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (cruelty to persons under 16).

Computer misuse

[^{F15}24A. An offence under section 3ZA of the Computer Misuse Act 1990 (unauthorised acts causing, or creating risk of, serious damage).

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Textual Amendments

F15 Sch. 8A paras. 24A-24D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(11)**

Domestic abuse

24B. An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).

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Textual Amendments

F15 Sch. 8A paras. 24A-24D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(11)**

24C. An offence under section 2 of the Domestic Abuse (Scotland) Act 2011 (breach of domestic abuse interdict with power of arrest).

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Textual Amendments

F15 Sch. 8A paras. 24A-24D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(11)**

24D. An offence under section 1 of the Domestic Abuse (Scotland) Act 2018 (abusive behaviour towards partner or ex-partner).]

.....

Textual Amendments

F15 Sch. 8A paras. 24A-24D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(11)**

.....

Textual Amendments

F15 Sch. 8A paras. 24A-24D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(11)**

Explosives

25. An offence under the Explosive Substances Act 1883.

False statements and declarations

[
^{F16}25A. An offence under section 44 of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements and declarations).]

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Textual Amendments

F16 Sch. 8A para. 25A inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(12)**

[^{F17}25B. An offence under section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public).]

Textual Amendments

F17 Sch. 8A para. 25B inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(13)**

Firearms and other weapons

26. An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 4 (conversion of weapons);
 - (b) section 5 (weapons subject to a general prohibition);
 - (c) section 16 (possession of firearm with intent to injure);
 - (d) section 16A (possession of firearm with intent to cause fear or violence);
 - (e) section 17 (use of firearm to resist arrest);
 - (f) section 18 (carrying firearm with criminal intent);
 - (g) section 19 (carrying firearm in a public place);
 - (h) section 20 (trespassing with firearm);
 - (i) section 21 (possession of firearm by persons previously convicted of crime);
 - (j) section 24 (supplying firearms to minors);
 - (k) section 25 (supplying firearm to person drunk or insane);
 - ^{F18}(l)
 - ^{F19}(m)
 - ^{F20}(n)
 - ^{F21}(o)
 - ^{F22}(p)
 - (q) section 46(5) (power of search with warrant);
 - (r) section 47 (powers of constables to stop and search); and
 - (s) section 48 (production of certificates).

Textual Amendments

F18 Sch. 8A para. 26(l) repealed (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(14)**

F19 Sch. 8A para. 26(m) repealed (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(14)**

F20 Sch. 8A para. 26(n) repealed (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(14)**

F21 Sch. 8A para. 26(o) repealed (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(14)**

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F22 Sch. 8A para. 26(p) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

27. An offence under the Chemical Weapons Act 1996.

[
F23 27A. An offence under section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon).]

Textual Amendments

F23 Sch. 8A para. 27A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(15)**

[
F24 27B. An offence under section 9 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (offence of breaching order).]

Textual Amendments

F24 Sch. 8A para. 27B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(16)**

Textual Amendments

F18 Sch. 8A para. 26(l) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

F19 Sch. 8A para. 26(m) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

F20 Sch. 8A para. 26(n) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

F21 Sch. 8A para. 26(o) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

F22 Sch. 8A para. 26(p) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(14)**

F23 Sch. 8A para. 27A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(15)**

F24 Sch. 8A para. 27B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(16)**

Forced marriage

28. An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

Fraud and forgery

[
F25 28A. An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981—

- (a) Part 1 (forgery and kindred offences),
- (b) section 14 (offences of counterfeiting notes and coins),
- (c) section 15 (offences of passing etc. counterfeit notes and coins),

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- (d) section 16 (offences involving custody or control of counterfeit notes and coins),
- (e) section 17 (offences involving the making or custody or control of counterfeiting materials and implements).

Textual Amendments

F25 Sch. 8A paras. 28A-28D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(17)**

Harassment

28B. An offence under section 234A of the Criminal Procedure (Scotland) Act 1995 (non-harassment orders).

Textual Amendments

F25 Sch. 8A paras. 28A-28D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(17)**

28C. An offence under any of the following provisions of the Protection from Harassment Act 1997—

- (a) section 2 (offence of harassment),
- (b) section 2A (offence of stalking),
- (c) section 4 (putting people in fear of violence),
- (d) section 4A (stalking involving fear of violence or serious alarm or distress),
- (e) section 9 (breach of non-harassment order).

Textual Amendments

F25 Sch. 8A paras. 28A-28D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(17)**

Textual Amendments

F25 Sch. 8A paras. 28A-28D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(17)**

Health

28D. An offence under any of the following provisions of the Health and Care Act 2022—

- (a) section 140 (offence of virginity testing: Scotland),
- (b) section 141 (offence of offering to carry out virginity testing: Scotland),
- (c) section 142 (offence of aiding or abetting etc. a person to carry out virginity testing: Scotland),
- (d) section 152 (offence of carrying out hymenoplasty: Scotland),
- (e) section 153 (offence of offering to carry out hymenoplasty: Scotland),

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- (f) section 154 (offence of aiding or abetting etc. a person to carry out hymenoplasty: Scotland).]

Textual Amendments

F25 Sch. 8A paras. 28A-28D inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(17)**

Human trafficking and exploitation

29. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).
30. An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
31. An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).
- [^{F26}31A. An offence under section 3A of the Female Genital Mutilation Act 2003 (offence of failing to protect girl from risk of genital mutilation).]

Textual Amendments

F26 Sch. 8A para. 31A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(18)**

32. An offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.
- [^{F27}32A. An offence under any of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015—
- (a) section 1 (offence of human trafficking),
 - (b) section 4 (slavery, servitude, and forced or compulsory labour),
 - (c) section 32(1) (breach of certain orders).

Textual Amendments

F27 Sch. 8A paras. 32A, 32B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(19)**

Textual Amendments

F26 Sch. 8A para. 31A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(18)**

F27 Sch. 8A paras. 32A, 32B inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(19)**

Insolvency

- 32B. An offence under any of the following provisions of the Insolvency Act 1986—
- (a) section 206 (fraud, etc. in anticipation of winding up),

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- (b) section 207 (transactions in fraud of creditors),
- (c) section 208 (misconduct in course of winding up),
- (d) section 209 (falsification of company’s books),
- (e) section 210 (material omissions from statement relating to company’s affairs),
- (f) section 211 (false representations to creditors).]

Textual Amendments

F27 Sch. 8A paras. 32A, 32B inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(19)**

Medical professions etc.

33. An offence under section 10Z9 of the National Health Service (Scotland) Act 1978 (offences in relation to registration).
34. An offence under any of the following provisions of the Medical Act 1983—
- (a) section 49 (penalty for pretending to be registered); and
 - (b) section 49A (penalty for pretending to hold a licence to practise).
- [
^{F28}34A. An offence under any of the following provisions of the Dentists Act 1984—
- (a) section 38 (prohibition on practice of dentistry by laymen),
 - (b) section 39 (prohibition on use of practitioners’ titles by laymen).

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(20)**

- [
^{F28}34B. An offence under section 28(1) of the Opticians Act 1989 (penalty for pretending to be registered etc.).

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(20)**

- [
^{F28}34C. An offence under section 32 of the Osteopaths Act 1993 (offences).

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(20)**

- [
^{F28}34D. An offence under section 32 of the Chiropractors Act 1994 (offences).

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Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(20)**

[An offence under article 39 of the Health Professions Order 2001 (offences).
F2834E.

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(20)**

[An offence under article 44 of the Nursing and Midwifery Order 2001.]
F2834F.

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(20)**

35. An offence under article 38 (offences relating to the Register) of the Pharmacy Order 2010.

Textual Amendments

F28 Sch. 8A paras. 34A-34F inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(20)**

Medicines

36. An offence under any of the following provisions of the Medicines Act 1968—
(a) section 67(1A) and (1B) (offences under Part III); and
(b) section 78 (restrictions on use of titles, descriptions and emblems).

National security

[An offence under sections 1 to 4, 12, 13, 17 or 18 of the National Security Act 2023.]
F2936A

Textual Amendments

F29 Sch. 8A para. 36A and cross-heading inserted (20.12.2023) by The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 18**

Official Secrets Acts

37. An offence under the Official Secrets Act 1911.

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[^{F30} 37A. An offence under the Official Secrets Act 1920.

Textual Amendments

F30 Sch. 8A paras. 37A-37C inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(21)**

[^{F30} 37B. An offence under the Official Secrets Act 1989

Textual Amendments

F30 Sch. 8A paras. 37A-37C inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(21)**

Textual Amendments

F30 Sch. 8A paras. 37A-37C inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(21)**

Proceeds of crime and money laundering

37C. An offence under any of the following provisions of the Proceeds of Crime Act 2002—

- (a) Part 7 (money laundering), other than section 339(1A),
- (b) Part 8 (investigations).]

Textual Amendments

F30 Sch. 8A paras. 37A-37C inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(21)**

Prostitution

38. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—

- (a) section 7 (procuring);
- [^{F31}(aa) section 9 (permitting girl to use premises for intercourse);]
- (b) section 11 (trading in prostitution and brothel-keeping); ^{F32}...
- (c) section 12 (allowing child to be in brothel);
- [^{F33}(d) section 13(9) (living on the earnings of another from male prostitution).]

Changes to legislation: Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F31** Sch. 8A para. 38(aa) inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(22)(a)**
- F32** Word in Sch. 8A para. 38(b) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(22)(b)**
- F33** Sch. 8A para. 38(d) inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(22)(c)**

Road traffic

39. An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving);
 - (b) section 3ZC (causing death by driving: disqualified drivers); and
 - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

[^{F34}39A. An offence under section 67 of the Serious Organised Crime and Police Act 2005 (offences in connection with disclosure notices or search warrants).]

Textual Amendments

- F34** Sch. 8A para. 39A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(23)**

Textual Amendments

- F34** Sch. 8A para. 39A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(23)**

Serious organised crime

40. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 28 (involvement in serious organised crime);
 - (b) section 30 (directing serious organised crime); and
 - (c) section 31 (failure to report serious organised crime).

Sexual offences

41. An offence under section 50(3) of the Customs and Excise Management Act 1979 (penalty for improper importation of goods) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876, but only where the prohibited goods include indecent photographs of persons.

[^{F35}41A. An offence under section 51A of the Civic Government (Scotland) Act 1982 (extreme pornography).]

Changes to legislation: Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F35 Sch. 8A para. 41A inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(24)**

42. A sexual offence within the meaning given by section 210A(10) of the Criminal Procedure (Scotland) Act 1995 other than an offence mentioned in paragraph (xxvii)(ZF) or (ZG) of that section (engaging while an older child in sexual conduct with or towards another older child).

[^{F36}43. An offence under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 67A (voyeurism: additional offences),
- (b) section 103I (breach of sexual harm prevention order or interim sexual harm prevention order),
- (c) section 113 (breach of sexual offences prevention order or interim sexual offences prevention order, etc.),
- (d) section 122H (breach of sexual risk order or interim sexual risk order).]

Textual Amendments

F36 Sch. 8A para. 43 substituted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(25)**

44. An offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO etc.).

[^{F37}44A. An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009—

- (a) section 54 (incitement to commit certain sexual acts outside Scotland),
- (b) section 54A (offences committed outside Scotland),
- (c) section 55 (offences committed outside the United Kingdom; child victims).

Textual Amendments

F37 Sch. 8A paras. 44A-44D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(26)**

[^{F37}44B. An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).

Textual Amendments

F37 Sch. 8A paras. 44A-44D inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(26)**

[^{F37}44C. An offence under any of the following provisions of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016—

- (a) section 2 (disclosing, or threatening to disclose, an intimate photograph or film),

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- (b) section 24 (breach of sexual harm prevention order or interim sexual harm prevention order),
- (c) section 34 (breach of sexual risk order or interim sexual risk order),
- (d) section 37 (breach of orders equivalent to orders in Chapters 3 and 4).

Textual Amendments

F37 Sch. 8A paras. 44A-44D inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(26)**

Textual Amendments

- F35** Sch. 8A para. 41A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(24)**
- F36** Sch. 8A para. 43 substituted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(25)**
- F37** Sch. 8A paras. 44A-44D inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(26)**

Solicitors

44D. An offence under the Solicitors (Scotland) Act 1980.]

Textual Amendments

F37 Sch. 8A paras. 44A-44D inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(26)**

Stalking and harassment

- 45. An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially aggravated harassment).
- 46. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
 - ^{F38}(a)
 - (b) section 39 (offence of stalking).

Textual Amendments

F38 Sch. 8A para. 46(a) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(27)**

Textual Amendments

F38 Sch. 8A para. 46(a) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(27)**

Changes to legislation: Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Taxation

- [^{F39}46A. An offence under any of the following provisions of the Criminal Finances Act 2017—
- (a) section 45(1) (failure to prevent facilitation of UK tax evasion offences),
 - (b) section 46(1) (failure to prevent facilitation of foreign tax evasion offences).]

Textual Amendments

- F39** Sch. 8A para. 46A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(28)**

Terrorism

47. An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 11 (membership);
 - (b) section 12 (support);
 - (c) section 15 (fund-raising);
 - (d) section 16 (use and possession);
 - (e) section 17 (funding arrangements);
 - (f) section 17A(2) or (4) (insurance payments made in response to terrorist demands);
 - (g) section 18 (money laundering);
 - (h) section 19 (disclosure of information: duty);
 - (i) section 21A (failure to disclose: regulated sector);
 - (j) section 21D (tipping off: regulated sector);
 - (k) section 38B (information about acts of terrorism);
 - (l) section 39 (disclosure of information, &c.);
 - (m) section 54 (weapons training);
 - (n) section 56 (directing terrorist organisation);
 - (o) section 57 (possession for terrorist purposes);
 - (p) section 58 (collection of information);
 - (q) section 58A (eliciting, publishing or communicating); ^{F40} ...
 - [^{F41}(qa) section 58B (entering or remaining in a designated area);]
 - (r) section 61 (inciting terrorism overseas);

Textual Amendments

- F40** Word in Sch. 8A para. 47(q) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(29)(a)**
- F41** Sch. 8A para. 47(qa) inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(29)(b)**

48. An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc. of nuclear weapons);

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- (b) section 50 (assisting or inducing certain weapons-related acts overseas);
 - (c) section 52 (powers of entry);
 - (d) section 54 (offences);
 - (e) section 67 (offences);
 - (f) section 79 (prohibition of disclosures relating to nuclear security);
 - (g) section 80 (prohibition of disclosures of uranium enrichment technology);
 - (h) section 113 (use of noxious substances or things to cause harm and intimidate);
 - (i) section 114 (hoaxes involving noxious substances or things); and
 - (j) paragraph 7 of Schedule 3 (offences).
49. An offence under the Terrorism Act 2006.
50. An offence under any of the following provisions of the Counter-Terrorism Act 2008—
- (a) section 2 (offence of obstruction);
 - (b) section 54 (offences relating to notification);
 - (c) paragraph 15 of Schedule 5 (breach of foreign travel restriction order and offence);
 - (d) paragraph 30 of Schedule 7 (offences: failure to comply with requirement imposed by direction);
 - (e) paragraph 30A of Schedule 7 (offences: relevant person circumventing requirements); and
 - (f) paragraph 31 of Schedule 7 (offences in connection with licences).

Textual Amendments

- F40** Word in Sch. 8A para. 47(q) repealed (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(29)(a)**
- F41** Sch. 8A para. 47(qa) inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(29)(b)**

Violent offender orders

51. An offence under section 113(1) of the Criminal Justice and Immigration Act 2008 (breach of violent offender order or interim violent offender order).

Vulnerable persons

52. An offence under section 83 of the Adults with Incapacity (Scotland) Act 2000 (offence of ill-treatment and wilful neglect).
53. An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (ill-treatment and wilful neglect of mentally disordered person).
54. An offence under any of the following provisions of the Protection of Vulnerable Groups (Scotland) Act 2007—
- (a) section 34 (barred individuals not to do regulated work);
 - (b) section 35 (organisations not to use barred individuals for regulated work);
- and

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- (c) section 36 (personnel suppliers not to supply barred individuals for regulated work).
55. Any offence where the conduct in respect of which the person was convicted also constituted a breach of a banning order granted under section 19 of the Adult Support and Protection (Scotland) Act 2007 (banning orders).

[^{F42}55A An offence under section 26 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (care worker offence).]

Textual Amendments

F42 Sch. 8A para. 55A inserted (1.10.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), ss. 29, 36(2); S.S.I. 2017/294, reg. 2, sch.

Witness protection

56. An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—
- (a) section 86 (offence of disclosing information about protection arrangements); and
 - (b) section 88 (offences of disclosing information relating to persons assuming new identity).

Statutory aggravations

57. An offence in relation to which [^{F43}any] of the following provisions apply—
- (a) section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime); ^{F44}...
 - (b) section 31 of the Counter-Terrorism Act 2008 (offences aggravated by terrorism).
 - [^{F45}(c) section 5 of the Human Trafficking and Exploitation (Scotland) Act 2015 (aggravation by connection with human trafficking activity);
 - (d) section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (offences aggravated by involving abuse of partner or ex-partner).]

Textual Amendments

F43 Word in Sch. 8A para. 57 substituted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(30)(a)**

F44 Word in Sch. 8A para. 57(a) repealed (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(30)(b)**

F45 Sch. 8A para. 57(c)(d) inserted (19.12.2022) by [The Police Act 1997 \(Offences in Schedules 8A and 8B\) Amendment \(Scotland\) Regulations 2022 \(S.S.I. 2022/379\)](#), regs. 1, **2(30)(c)**

Changes to legislation: Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Other

Common law aggravations

58. An offence, the conviction for which indicates that it was committed against a child.
59. An offence, the conviction for which indicates that it included a sexual element.
- [^{F46}59A. An offence of assault the conviction for which indicates that it resulted in any of the following—
- (a) disability,
 - (b) disfigurement (permanent or otherwise),
 - (c) impairment (permanent or otherwise).]

Textual Amendments

- F46** Sch. 8A para. 59A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(31)**

Textual Amendments

- F46** Sch. 8A para. 59A inserted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(31)**

Inchoate offences

60. An offence committed by aiding, abetting, counselling, procuring or inciting the commission of the offence of murder or any offence listed in paragraphs 1 to [^{F47}59A] of this schedule.

Textual Amendments

- F47** Word in Sch. 8A para. 60 substituted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(32)**

61. An offence committed by attempting or conspiring to commit the offence of murder or any offence listed in paragraphs 1 to [^{F48}59A] of this schedule.

Textual Amendments

- F48** Word in Sch. 8A para. 61 substituted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(32)**

Textual Amendments

- F47** Word in Sch. 8A para. 60 substituted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(32)**
- F48** Word in Sch. 8A para. 61 substituted (19.12.2022) by The Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (S.S.I. 2022/379), regs. 1, **2(32)**

Changes to legislation: *Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Superseded offences

62. An offence superseded (whether directly or indirectly) by any offence listed in paragraphs 1 to 61 of this schedule (and any qualification in relation to a listed offence applies to the superseded offence as it applies to the listed offence).

Combined offences

63. An offence which was charged, and the conviction for which was received, in conjunction with any offence listed in paragraphs 1 to 62 of this schedule.

Corresponding offences elsewhere in the UK or abroad

64. An offence under the law of England and Wales or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in paragraphs 1 to 63 of this schedule.]

Changes to legislation:

Police Act 1997, SCHEDULE 8A is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 112(2A) inserted by [2011 c. 24 \(N.I.\) s. 101](#)
- s. 112(2A) inserted by [2009 c. 26 s. 93](#) (This amendment not applied to [legislation.gov.uk](#). S. 93 repealed (10.9.2012) without ever being in force by 2012 c. 9, ss. 79(1), 120, Sch. 10 Pt. 6; S.I. 2012/2234, art. 2(cc))
- s. 113(3)(e) words inserted by [S.S.I. 2006/50 art. 2\(2\)](#)
- s. 113(3G) inserted by [2002 c. 32 Sch. 12 para. 14](#)
- s. 113(3G) inserted by 2002 c. 32, Sch. 12 para. 14 (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 113(3EA)(3EB) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(4\)](#)
- s. 113(3EC)(3ED) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(3\)](#)
- s. 113(4A) inserted by [2003 c. 44 Sch. 35 para. 3\(3\)](#)
- s. 113(4A) insertion by 2003 c. 44, Sch. 35 para. 3(3) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 113A(6A)-(6C) inserted by [2011 asp 1 s. 188\(b\)](#)
- s. 115(5)(ec) inserted by [2002 c. 32 Sch. 12 para. 15\(2\)](#)
- s. 115(5)(ec) inserted by 2002 c. 32, Sch. 12 para. 15(2) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(5)(ga) inserted by [2001 c. 12 s. 21](#) (Amendment not applied to [legislation.gov.uk](#). S. 21 repealed (6.4.2006 for E.W.) by 2003 c. 44, Sch. 37 Pt. 11; S.I. 2006/751, art. 2(d))
- s. 115(6BB) inserted by [2002 c. 32 Sch. 12 para. 15\(3\)](#)
- s. 115(6BB) inserted by 2002 c. 32, Sch. 12 para. 15(3) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(6EA) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(5\)](#)
- s. 115(6EB) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(4\)](#)
- s. 115(9A)(9B) inserted by [2003 c. 44 Sch. 35 para. 4\(5\)](#)
- s. 115(9A)(9B) insertion by 2003 c. 44, Sch. 35 para. 4(5) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 118(2ZA) inserted by [2009 c. 26 s. 95](#)
- s. 118(2ZA) words substituted by [S.I. 2012/3006 art. 37\(j\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 118(2ZA) by 2009 c. 26, s. 95 is still prospective)
- s. 121(a) inserted by [2006 asp 10 s. 3\(8\)\(a\)](#)
- Sch. 8A para. 34G inserted by [S.I. 2024/374 Sch. 5 para. 3](#)
- Sch. 8B para. 102(ea) inserted by [2023 c. 47 s. 3\(2\)](#)